

ZB# 99-37

George Ross

35-1-45

Prelim-

Sept. 13, 1999.

Notice to Submit 10/20/99.

Public Hearing:

Nov. 8, 1999.

Approved:

Condition

Only 1 F.S. sign

instead of 2

Refund: 362.50

#99-37 - Ross, George

Area - 35-1-45.

6

Address One Hundred Fifty and 00/100 DOLLARS \$ 150.00
FOR Variance Application Fee, zoning
Deed #99-37

ACCOUNT			HOW PAID	
BEGINNING BALANCE			CASH	# 1049
AMOUNT PAID			CHECK	150 00
BALANCE			MONEY	

Treas Clerk
Dorothy H. Hapson





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Ross, George

FILE# 99-37.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/13/99-5 \$ 22.50
2ND PRELIMINARY- PER PAGE 11/8/99-10 \$ 45.00
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 67.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 9/13/99 \$ 35.00
2ND PRELIM. 11/8/99 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING. \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 137.50

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT. \$ 362.50

*paid ck. 10/14/99.
1049.
CT# 1030
10/14/99*

GEORGE ROSS
 PO BOX 616
 POMONA, NY 10970

Date 9/14/99

Pay to the Order of Town of Pleasant Bridge

\$ 500.00

Dollars Five Hundred

For Varian 2BA #99-37

MT. NY, N.Y. 10970

⑆ 221970443⑆ 06 6029307 1050

GEORGE ROSS
 PO BOX 616
 POMONA, NY 10970

Date 9/14/99

Pay to the Order of Town of Pleasant Bridge

\$ 150.00

Dollars Fifty

For Varian App Fee #99-37

MT. NY, N.Y. 10970

⑆ 221970443⑆ 06 6029307 1049

In the Matter of the Application of

GEORGE ROSS

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#99-37.

WHEREAS, GEORGE ROSS, P. O. Box 616, Pomna, New York, N. Y. 10970, has made application before the Zoning Board of Appeals for a 15,718 sq. ft. lot area, 9.1 ft. maximum building height, plus existing façade sign; one additional 6 ft. height, 10 ft. width variance for second façade sign; and one additional freestanding sign which is 4 ft. 6 in. in width for proposed used car/leasing office at 268 Windsor Highway (formerly Barry's Automotive) in a C/PI zone; and

WHEREAS, a public hearing was held on the 8th day of November, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared with Craig Marti, P. E. of Valdina-Marti Engineering & Surveying, P. C. for this Application; and

WHEREAS, there were five spectators appearing at the public hearing; and

WHEREAS, the spectators who spoke had questions but no one spoke in favor of or in opposition to the granting of the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property on which there are a number of buildings including a residence.

(b) The property is located on a busy state highway in a predominantly commercial area.

(c) The property is improved with four buildings; building one is vacant, having previously been used as a delicatessen; building two is an automobile repair facility ; building three houses a wholesale auto business; and building four is a residential structure.

(d) If the application is approved, buildings two, three and four will retain their present use but building one will be used for the retail sale of used automobiles. This is an allowed use.

(e) Because of a change in the Zoning Code, the building height on building number one, while previously allowable, is no longer allowable. The Applicant seeks a height variance for this building to allow its existing use. If the variance is granted, the Applicant has agreed not to make the building any higher than it is presently, or, in fact, to change the structure in any way.

(f) The signs as they presently exist on the property include two freestanding signs where only one is allowed by the Zoning Code and two building signs on building two where only one is allowed by the Zoning Code. **The Applicant has agreed to withdraw its request for a second freestanding sign so that the only sign variance request remaining is for a second façade sign on building two.**

(g) Building two is removed from the highway a considerable distance and a small sign would not be easily seen.

(h) The Applicant does not propose to materially increase the present paved area.

(i) There are no current water problems including flooding, ponding or collection of water.

(j) No ingress or egress from or to the adjacent state highway are proposed to be changed.

(k) If the variances are approved, this application is subject to site plan by the Planning Board.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community, provided the conditions specified in paragraph 8 below are honored by the Applicant.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances, provided that there be only one freestanding sign (whereas there are now two on the site).

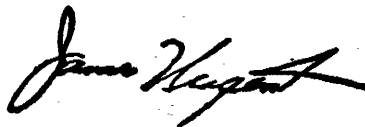
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 15,718 sq. ft. lot area, 9.1 ft. maximum building height, one 6 ft. height 10 ft. width variance for façade sign; one freestanding sign (one existing freestanding sign to be removed) variance for proposed used car/leasing office at 268 Windsor Highway (formerly Barry's Automotive) in a C/PI zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 10, 2000.



Chairman

Date _____

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO

. DR

DATE	CLAIMED	ALLOWED
11/10/2000	Refund of Comm Rep. # 99-37	\$362.50
Approved: Patricia C. Banhart.		
LBA		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

.....
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.
Town of New Windsor

.....
Nature
Amount Claimed \$
Amount Allowed \$
Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....
the within claim was audited and allowed
for the sum of
\$

.....
Clerk

Date 11/11/11, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

Frances Roth

168 N. Drury Lane

TO DR.

Newburgh; N.Y. 12550

DR.

DATE		CLAIMED	ALLOWED
11/8/99	Zoning Board Mtg	75.00	
	Misc - 2		
	Duffer's - 5		
	Boss - 10		
	Aldridge - 4		
	H-2 Development - 4		
	Maurice - 12		
	Windsen Academy - 3	180.00	
	40		
		255.00	

PUBLIC HEARINGS:

ROSS, GEORGE

MR. NUGENT: Request for 15,718 sq. ft. lot area, 9.1 ft. maximum building height, plus facade sign; one additional 6 ft. height, 10 ft. width variance; freestanding sign; one additional 3 ft. height and 4 ft. 6 in. width variance for proposed used car/leasing office at 268 Windsor Highway (former Barry's Autotive) in a C/PI zone.

Mr. Craig Marti appeared before the board for this proposal.

MS. BARNHART: For the record on October 27, 1999, I sent out 26 notices to adjacent property owners.

MR. MARTI: We got one back. For the record, my name is Craig Marti with the engineering firm of Valdina-Marti Engineering and Surveying. I'm here tonight representing the Route 32 Auto Brokers and George Ross, owners of the property. Mr. Ross is here tonight, if the board should have any questions pertaining to the specific business which he may be more qualified to answer than myself. I'm also here tonight for Mr. Frank Petrelli, who is the manager of Route 32 Auto Brokers which currently has a wholesale auto business on the property. The existing property consists of four buildings, building 1, which is currently vacant and the most recent use was as a deli, past use, as I understand, does include even car sales from the front office building. The blue building on the plan here, sheet which is represented as building number 2, is currently Gene's Automotive which is an auto repair facility. Building number 3 is currently occupied by Route 32 Auto Brokers who run a wholesale auto business from that facility and the fourth building is a small residential structure which is currently occupied as a residential use. The proposed changes to the site plan are to renovate the existing and former deli into office space to be utilized for retail used car sales, leasing and financing from the front building as an expansion of the Route 32 Auto Brokers business. The remaining buildings on site will

maintain their existing use, including the residential structure, although Mr. Ross feels that the property may be under utilized with a small residential structure, he has a soft spot for the elderly residents and has decided to let them stay there until they wish to seek other arrangements. In proposing used auto sales at the retail level, the zone in which the site is located primarily within the C zone allows the use for retail car sales, however, it requires 80,000 square foot lot area. The current lot as it exists today is 64,282 square feet, so, therefore, we're requesting an area variance such that we can return the property to a use which is used wholesale car sales which is consistent with the past use within the last decade. There's been used auto sales from these facilities, however, with the changing of businesses and the changing of ownership of the businesses, we're required to be back for planning board approval and thus now we have to seek variances to comply with the current zoning. Also, in preparation of the site plan, it became apparent that the building height as it exists today as a function of its setback from the side yard is in excess of the allowable building heights in relation to the zoning quote, we're therefore asking that the variance be given to allow us to utilize the existing structure with no increase in building height, just a matter of the renovation of the interior space and some changing of the exterior for aesthetic purposes. The other area which became apparent where we were in non-conformance with the zoning was the signing condition, the current signs for the facility consist of a freestanding sign for Barry's Automotive, which is located in this location, I don't believe it's marked up on the prints that I gave the board, it's basically between the entryway and the residential structure. There's a sign, a building mounted sign on building 3 which is Route 32 Auto Brokers sign. There are two signs located on the Gene's Automotive or Barry's Automotive building, one of which is on this side which is in size conformance with the zoning. Second sign which is beyond the limits of the zoning which allows one building mounted sign, the second sign is also larger than is permitted by the zoning. The current sign is 3 by 20 foot sign, the maximum permitted is 2.5 by 10 foot sign. Again, this is an

existing sign which we're bringing to the board's attention and asking for the variance, appropriate variances to bring it within compliance of the zoning. The remaining sign, which is existing is the old sign for the deli which is another freestanding sign located at this location. Again, with the advent of two freestanding signs, we're in violation current zoning allows for one freestanding sign per property, the existing signs therefore require a variance for the second freestanding sign. The plan is to change the facing, not the location of the sign, but regards to the deli, we'll change it into an automotive to advertise the automotive sales for that building. We feel that the proposal as it's presented will have no impact, no negative impact on the community, we feel that the mixed use of the parcel is consistent with the properties located to the north and to the south along Route 32, whereby both properties consist of multiple commercial uses which are, one of which is a construction business, as well as some office space on the property to the south, the property to the north has an auto repair shop, a residential facility as well as a hair salon or business of that nature in this area, across the street, across Route 32 it's currently vacant commercial space and to the northeast of the property is some vacant commercial buildings which you know we feel will not be negatively impacted by the proposed use. With regards to the area variance we're requesting we feel that the requested variance and the use of the relatively small parcel for automotive sales is consistent with other automotive sales facilities located both within the C zone as well as in other zones throughout the town and we therefore feel that this is an appropriate use of the facility, considering the fact that the historical use has consistently throughout the last ten years or more consisted or contained an automotive sales facility, as well as the mixed use being by no means unique to this particular parcel. In closing, I'd like to indicate that Mr. Ross feels this is the most appropriate use of this land to recognize an appropriate return on his investment on the property, in having a couple businesses which are located in the front building that were not automotive-related fail in the last few years, he feels this is his best chance for success for this property.

If anyone has any questions?

MR. NUGENT: Address the board first, then we'll open it up to the audience. Is it absolutely necessary that we have two freestanding signs?

MR. MARTI: Actually not, I have--

MR. NUGENT: Would one be incorporated in the other?

MR. MARTI: Yes, I have discussed that with my client and we, yeah, that's the easiest of all of the conditions which are not in compliance to bring into compliance would be the combination of the two signs, the area utilized by the two signs is within the zoning. The second freestanding nature is the only thing which is in violation. I have discussed that with him and that obviously if that is a condition on the approval we'd be glad to comply with that.

MR. NUGENT: The other one that is on the building which is Barry's signs?

MR. MARTI: Yes, that is, that is on building 2.

MR. NUGENT: I don't have a problem because its way back off the road.

MR. MARTI: It's about 170 feet from the roadway.

MR. NUGENT: You'll never see it if it's a small sign.

MR. TORLEY: I see parking spots, I assume S is store, C is customer and D is display, what's R?

MR. MARTI: R would be the two residential spots that are required for the wood frame residence, one of which is in the driveway, the driveway currently is actually used to park but could actually be used to park two cars. I'm not sure that I could within the bounds of the definition of a legal parking space call it room for two, so I have designated one other area to comply with the zoning.

MR. TORLEY: And you're not, what are you doing about

increasing the paved area?

MR. MARTI: The proposed pavement changes are merely a straightening of the edge along this around the residential portion here and a cleaning up of the paved surfaces as they pertain to the existing parking area.

MR. TORLEY: So, you're not materially increasing the paved area?

MR. MARTI: We're not materially increasing the parking area. The area to the southwest corner where the storage behind Barry's Automotive is currently gravel surface and I would request for the sake of limiting runoff and water quality aspects of the drainage considerations, I would request of the board that that remain gravel. However, I'm open to discussion on that, that obviously, would not be something fighting over from a business perspective.

MR. KANE: No current water problems, any type of flooding?

MR. MARTI: Not that I am aware of. There's a catch basin labeled on the plan to be repaired or replaced. Since the generation of this plan, that catch basin has actually been repaired and I have dye tested it and found the outlet of the pipe in the drainageway between this parcel and the Lander's piece to the south that wasn't visible when the survey was done, but I have since found the outlet pipe.

MR. KANE: For the record, the building height variances you're seeking, there's not going to be any structural changes on the outside? You're seeking to remedy an existing condition?

MR. MARTI: We're seeking basically the variance is to bring the existing condition into compliance, yes, there's no structural changes proposed.

MR. NUGENT: Is that going to have a sign, too, is that where the facade sign is or facade--

MR. MARTI: Facade sign deals with building 2: There

would be, under the existing zoning, one permitted facade sign for the front building. I'm not sure if that has, I haven't discussed as far as the particulars with regard to that, however, the area of that sign would have to be monitored such that any construction of additional signage keeps the total within the zoning, we're not asking for any variance on the total sign area.

MR. TORLEY: Freestanding post sign is right next to the building anyway.

MR. MARTI: So, whether or not one would be needed on the building itself that would depend upon how the other two signs were combined and where they ultimately were located as to whether we felt another sign would be located on the building.

MR. TORLEY: Are you changing egresses from the road?

MR. MARTI: No, none are currently proposed for that, any changes of that nature would require both planning board approval and the approval from the New York State DOT for additional curb cut.

MR. NUGENT: Larry, further questions?

MR. TORLEY: No.

MR. NUGENT: At this time, I'd like to open it up to the audience, anybody would like to speak on the subject?

MR. JOHN GUERRIERO: My name is John Guerriero, I've lived in the area for 40 years and this year, we have had three major accidents over there. The people end up in Westchester Medical Center. That's all I have to say.

MR. NUGENT: Anyone else?

MR. SANTO EMMANUELE: My name is Santo Emmanuele. This is on the west side right next to the recreation place?

MR. MARTI: This property is located on the west side

of Route 32, south of Willow, of the intersection with Willow Lane, north of Lander's Paving and south of Creative Image, of the hair salon. It's the other side of Willow Lane.

MR. EMMANUELE: That's it. There's two more members here.

MS. JASMINE PEREZ: Jasmine Perez, I'm 3 Willow Lane. Now, is that going to interfere with my property, in other words, are you saying that property across the street, is that the same property you're talking about?

MR. MARTI: Actually--

MS. PEREZ: I don't really know where it's at.

MR. MARTI: Looking at the drawing, Willow Lane would be located up here, approximately, where the pointer is located, intersects at right angles, if you come off the end of Willow Lane and turn left, the property we're talking about is the abandoned deli on the right-hand side, it's been a deli couple times and prior to that, I understand there were car sales.

MR. EMMANUELE: That's where the fella is working on cars now right way in the back?

MR. MARTI: Yes, that's the wholesale business which is auto preparation business which is located in the back, yes.

MR. JEFFREY PEREZ: Jeffrey Perez. So it's not the one on the corner?

MR. SCOTT ROLLO: Scott Rollo, 287 Windsor Highway. And my concern is the drainage for that property is on the west side of the highway just south of Lander's place, right?

MR. MARTI: North of Lander's.

MR. ROLLO: The property is north of Lander's, but the drainage for that runs down along next to the Flag Shop between the property and the Flag Shop.

MR. MARTI: No, the drainage from this property, there's a small amount of this area which drains over the grassed area out towards Route 32, the majority of the property drains across the parking lot to a swale which runs between this property and along the north property boundary of the Lander's parcel and there's a culvert under Route 32 at that location, so discharges into a state drainage system.

MR. ROLLO: That's--

MR. ROSS: The Flag Shop is on the other side of the road.

MR. ROLLO: Right, it's on the east side.

MR. ROSS: This is on the west side.

MR. ROLLO: And the culvert goes under the highway between the Flag Shop and my property, right?

MR. MARTI: If your property is located across the, basically across the road and slightly to the south of this parcel, then it is in that general vicinity, yes.

MR. ROLLO: That's right, and it goes underneath there and my only concern we have had some drainage problems in the past, and I just wondered how much additional water usage you would have because at one time, behind the Italian restaurant up the street, Frank and Ernie's, or something, I don't know what it is up there up by the U-Haul, they had a car wash and we had a problem with the drainage not being able to drain the runoff from there.

MR. MARTI: Well, with regard to the drainage, with regards to this particular site, there's very little increase of impervious area, just be a straightening of the pavement edge. The increased rates of runoff would be impacted if we were to significantly expand the impervious area, the site plan approval process requires the review by the town consulting engineer at the planning board process and if he feels it's warranted, it can also be referred to the DOT since we

do discharge into their existing drainage system. Since there's a minimal increase in the impervious surface, I personally feel that there would be a negligible impact on the existing drainage systems as they currently exist.

MR. ROLLO: No problem. I just want it to be noted that it was brought up so if there's a problem in the future that it was addressed at this time.

MR. MARTI: Understood.

MR. NUGENT: Are there any further questions by the audience? At this time, I'll close the public hearing and open it back up to the board for further discussion.

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. REIS: I make a motion that we grant Mr. Ross his requested variances for the site.

MR. KANE: Second the motion.

MR. BABCOCK: Mr. Chairman, can I just clarify something? There was some discussion about the freestanding sign being one and did we clarify that? Is he getting the variances that he's seeking?

MR. NUGENT: One freestanding sign, he said that wasn't a problem.

MR. TORLEY: We're granting, moving to grant the variances for one.

MR. REIS: With the exception of the one freestanding sign.

MR. BABCOCK: Sorry to interrupt, just wanted to make sure.

MR. KANE: Second it.

November 8, 1999

16

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. ROSS: The two signs have been there for approximately 20 years since I have owned the property, but I don't have any problem with moving it onto one post, if it's more attractive, that's the reason I don't have any problem with that.

MR. KANE: Just that's our general idea to get it down to one sign, they are fairly close and you have one entranceway.

MR. ROSS: I have no problem.

MR. KANE: Thank you, sir.

11/8/99

Public Hearing: Ross, George #99-37

Name:

Address.

~~John~~

Guerriero

(Guerriero, John)

Santo

Emmanuel

42 Willow Pkwy

Emmanuel
Santo

Jasmine Perez

3 Willow Lane

Jeffrey Perez

3 Willow Lane

Scott Roberts

287 Windsor Hwy

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: October 26, 1999

APPLICANT: George Ross
PO Box 616
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/21/99

FOR : Exiting Free Standing Sign (Barry's Automotive)

LOCATED AT: 268 Windsor Highway

ZONE: C Sec/ Blk/ Lot: 35-1-45

DESCRIPTION OF EXISTING SITE: 35-1-45

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing free standing sign exceeds number of permitted free standing signs
2. Existing free standing sign is on chain links. Swinging signs not permitted.

*only one
freestanding*

~~Howard Lee~~
BUILDING INSPECTOR

814h
allowed
(one existing
to be removed)

PERMITTED One Non Swinging

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE: 48-18 H-1-A1
48-18-I-7

SIGN: #2

FREESTANDING: Sign

HEIGHT: 3'

WIDTH: -4-6"

WALL SIGNS:

2-Signs

1-Sign

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE W/ATTACHED MAP

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: October 26, 1999

COPY

**APPLICANT: George Ross
P.O. Box
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/21/99

FOR : Existing 3' X 20' wall sign

LOCATED AT: 268 Windsor Highway

ZONE: C Sec/ Blk/ Lot: 35-1-45

DESCRIPTION OF EXISTING SITE: 35-1-45

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- Combining* {
1. Existing 3' X 20' wall sign (Barry's Automotive) exceed maximum height & width .
 2. Existing 3' X 20' wall sign exceeds number of permitted wall signs.

Guang Shui
BUILDING INSPECTOR

PERMITTED 2'-6" x 10' one wall sign

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: C USE: 48-18-H-1-B-1

SIGN: #1

FREESTANDING:

HEIGHT: 3' 6"

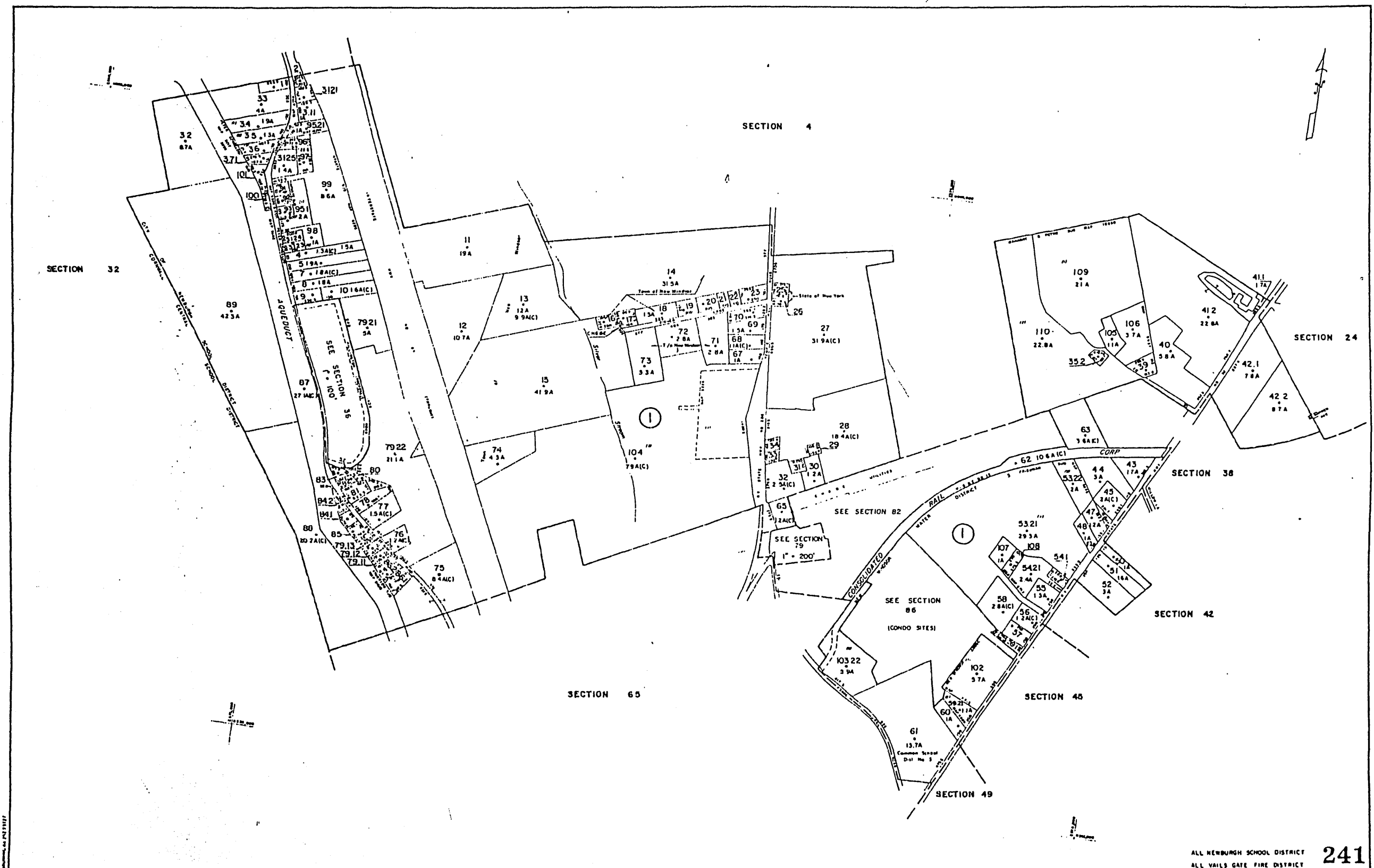
WIDTH: 20' 10'

WALL SIGNS:

TOTAL ALL SIGNS:	2-Signs	1-Sign
-------------------------	----------------	---------------

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP



Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N. Y. 10924
1989
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
1. LOT	2. LOT	3. LOT	4. LOT
5. LOT	6. LOT	7. LOT	8. LOT
9. LOT	10. LOT	11. LOT	12. LOT
13. LOT	14. LOT	15. LOT	16. LOT
17. LOT	18. LOT	19. LOT	20. LOT
21. LOT	22. LOT	23. LOT	24. LOT
25. LOT	26. LOT	27. LOT	28. LOT
29. LOT	30. LOT	31. LOT	32. LOT
33. LOT	34. LOT	35. LOT	36. LOT
37. LOT	38. LOT	39. LOT	40. LOT
41. LOT	42. LOT	43. LOT	44. LOT
45. LOT	46. LOT	47. LOT	48. LOT
49. LOT	50. LOT	51. LOT	52. LOT
53. LOT	54. LOT	55. LOT	56. LOT
57. LOT	58. LOT	59. LOT	60. LOT
61. LOT	62. LOT	63. LOT	64. LOT
65. LOT	66. LOT	67. LOT	68. LOT
69. LOT	70. LOT	71. LOT	72. LOT
73. LOT	74. LOT	75. LOT	76. LOT
77. LOT	78. LOT	79. LOT	80. LOT
81. LOT	82. LOT	83. LOT	84. LOT
85. LOT	86. LOT	87. LOT	88. LOT
89. LOT	90. LOT	91. LOT	92. LOT
93. LOT	94. LOT	95. LOT	96. LOT
97. LOT	98. LOT	99. LOT	100. LOT

ORANGE COUNTY-NEW YORK

Photo No. 8-497,478 Date of Map 9-24-67
Date of Photo 3-1-52 Date of Revision 3-1-91
Scale 1" = 400'

TOWN OF NEW WINDSOR

Section No. 35

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY 9974
Building Permit #: _____

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises George Ross

Address PO Box 616 Phone 914-569-8221

Mailing Address Pomona, N. Y. 10970

Name of ^{Eng'r}~~Architect~~ Valdina-Marti Engineering & Surveying, PC

Address 4 Pleasant View Ave., Newburgh, N. Y. 12550 Phone 914-565-4447

Name of Contractor N/A

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the West side of NYS Route 32
(N,S,E or W)
and 200+ feet from the intersection of Willow Lane
2. Zone or use district in which premises are situated C/PI Is property a flood zone? Y N X
3. Tax Map Description: Section 35 Block 1 Lot 45
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction. No construction proposed
a. Existing use and occupancy Used auto sales & repair. Intended use and occupancy Used auto leasing, sales & repair.
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front N/A Rear Depth Height No. of stories
8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor
Number of bedrooms Baths Toilets Heating Plant: Gas Oil
Electric/Hot Air Hot Water If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Re: #4-This application pertains to an existing sign which doesn't meet code.
10. Estimated cost N/A-Existing Sign Fee \$50

DAED

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Owner is the Applicant

(Signature of Applicant)

(Address of Applicant)

(Owner's Signature)

PO Box 616, Pomona, N. Y., 10970

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

RE: ATTACHED SIGN INFORMATION/BUILDING 2

(DOES NOT MEET CODE)

(There are two existing facade signs, one of which is larger than allowed by code- 3'x20' vs 2.5'x10')

W

E

S

PLAT

SIGN 4 - BUILDING 2 FACADE (3'x20')
(EXISTING TEXT TO REMAIN)



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

George Ross

Applicant.

#99-37.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on Oct. 27, 1999, I compared the 26 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this

___ day of ___, 19__.

Notary Public

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-37

Date: 10/4/99

I. ✓ Applicant Information:

- (a) George Ross; PO Box 616, Pomona, NY, 10970; 914-569-8221
(Name, address and phone of ~~Applicant~~ (Owner))
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Valdina-Marti Engr. & Surv., PC; 4 Pleasant View Ave., N'b'g., NY; 565-4447
(Name, address and phone of ~~architect~~/engineer/~~architect~~)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) C/PI 270 Windsor Highway 35-1-45 64282 sq. ft.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-5
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1979
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Presently there is storage of automobiles in accordance with an approved site plan and it is proposed to retain and increase the number of automobiles stored on site.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No .

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs. Regs., Col. C & I.
Zone C (A-10)

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>80000 sq. ft.</u>	<u>64282 sq. ft.</u>	<u>15718 sq. ft.</u>
Min. Lot Width <u>200 ft.</u>	<u>234 ft.</u>	<u>-----</u>
Reqd. Front Yd. <u>60 ft.</u>	<u>14.1 ft.** *</u>	<u>-----</u>
Reqd. Side Yd. <u>30 ft./70 ft.</u>	<u>10.9 ft./35.7 ft.***</u>	<u>-----</u>
Reqd. Rear Yd. <u>30 ft.</u>	<u>55.0 ft.</u>	<u>-----</u>
Reqd. Street Frontage* <u>N/A</u>	<u>-----</u>	<u>-----</u>
Max. Bldg. Hgt. <u>12"/ft.-10.9 ft.</u>	<u>20.0 ft.** *</u>	<u>9.1 ft.---</u>
Min. Floor Area* <u>N/A</u>	<u>-----</u>	<u>-----</u>
Dev. Coverage* <u>N/A</u> %	<u>-----</u> %	<u>-----</u> %
Floor Area Ratio** <u>0.7</u>	<u>0.09</u>	<u>-----</u>
Parking Area <u>26 spaces</u>	<u>26 + 50 storage spaces</u>	<u>-----</u>

* Residential Districts only

*** Pre-existing non-conforming condition

** No-residential districts only

✓(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

It is believed an area variance is warranted as the proposed use will not have a detrimental effect on, or impact the environmental conditions of the neighborhood which consists of a paving contractor, with truck storage, and an auction and other commercial enterprises. The lot size can not be increased since no adjoining land is available.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18-H, Supp. Sign Zoning Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1-Free Standing	64 sf	44 sf	-----
Sign 2-Free Standing	-----	27 sf	Add. Free Standing@ 27sf
Sign 3-Bldg 2 Facade	2.5'x10'	1.5'x9.3'	-----
Sign 4-Bldg 2 Facade	2.5'x10'	3'x20'	1'highx10'long
Sign 5-Bldg 3 Facade	2.5'x10'	2'x8'	-----

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

All signs are pre-existing on site. Therefore requesting a variance to include 1)Sign 2, which is a free standing sign 3' high by 4.5' wide; and 2)Sign 4, which is a Facade sign on Building 2 at a distance of approximately 175' from the road, and larger than allowed.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

The two free standing signs have a total area of 71 sf. The facade signs have a total area of 90 sf. There aren't any window signs. the total sign area is 161 sf.

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The existing stockade fencing, which was required by the Planning Board in conjunction with a prior site plan approval, will be relocated as necessary. The applicant proposes to re-establish a pre-existing use on this parcel. This use is compatible with the existing wholesale auto sales and auto repair facilities. In addition, it is proposed only to revise the existing sign(s) text at this time.

IX. Attachments required:

- X Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- X Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- X Copy of deed ~~and utility policy~~
- X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- X Copy(ies) of sign(s) with dimensions and location.
- X Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 500.00, each payable to the TOWN OF NEW WINDSOR.
- X Photographs of existing premises from several angles.

X. Affidavit.

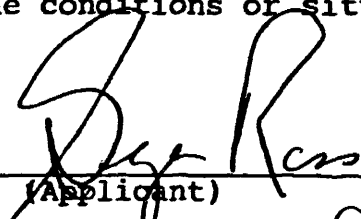
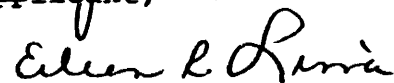
Date: _____

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X 
(Applicant)


Sworn to before me this

14 day of Sept., 1999.

XI. ZBA Action:

(a) Public Hearing date: _____

EILEEN R. LIMA
Notary Public, State of New York
No. 01LI4889341
Qualified in Rockland Co.
Commission Expires April 20, 2001

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

505-4428

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 99-19

DATE: 4 AUG 99

APPLICANT: GEORGE ROSS

P.O. BOX 616

PODMONA NY 10970

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED JULY 2, 1999

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT NYS ROUTE 32

ZONE C/PI

DESCRIPTION OF EXISTING SITE: SEC: 35 BLOCK: 1 LOT: 45

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

LOT AREA AND HEIGHT VARIANCE.


MARK J. EDSALL P.E.
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>C</u>	USE <u>A-1D</u>		
MIN. LOT AREA	<u>80,000 SF</u>	<u>64,282</u>	<u>15,718 SF</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>234 FT</u>	<u>—</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>14.1 *</u>	<u>—</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>55</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>10.9 *</u>	<u>—</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>35.7 *</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT. <u>12" FT NW = 10.9 FT</u>		<u>20 FT</u>	<u>9.1 FT</u>
FLOOR AREA RATIO	<u>0.7</u>	<u>0.09</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>—</u> %	<u>—</u> %
O/S PARKING SPACES	<u>26</u>	<u>26</u>	<u>—</u>

ste
~~26 PRE-EXISTING NDN-CONFORMING~~
 APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
 (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
 OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 19 day of January, nineteen hundred and seventy nine
BETWEEN ALFRED J. CIARIMBOLI, 30 Nee Avenue, New Windsor,
New York,

(45)

party of the first part, and

GEORGE ROSS, 10 Balmoral Drive, Spring Valley, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN and 00/100-----(\$10.00)-----

Lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the westerly line of Windsor Highway at the southeasterly corner of certain lands heretofore conveyed by George Manny and Mamie E. Manny to Albert and Dina Cohen by deed dated December 27, 1945, and recorded in the Office of the Clerk of the County of Orange in Liber 981 of Deeds at page 566, the said point being the northeasterly corner of lands now of the grantor herein, formerly of Downey and runs:

Thence along the westerly line of Windsor Highway being parallel with and 33 feet westerly from the centerline of said Windsor Highway, South 39 degrees, 37 minutes West 248.10 feet to a point;

Thence along the lands of said Grantor herein, North 37 degrees 14 Minutes West 293.69 feet to a point at the intersection of stone walls, the said point being the beginning point of the lands set forth in the conveyance of lands aforementioned to said Cohen;

Thence along the line of lands of said Cohen, North 44 degrees, 07 minutes East 234 feet to a point at a corner of lands of said

Cohen; and being the northwesterly corner of lands of the Grantor herein.

Thence along said Cohen line South 39 degrees, 23 minutes East, 271 feet to the point or place of beginning.

The said parcel as hereby described being all except a triangular piece, with frontage on Windsor Highway of 94.21 feet more or less, which was heretofore conveyed by Catherine F. Downey and Mary G. Downey to William P. Hertes.

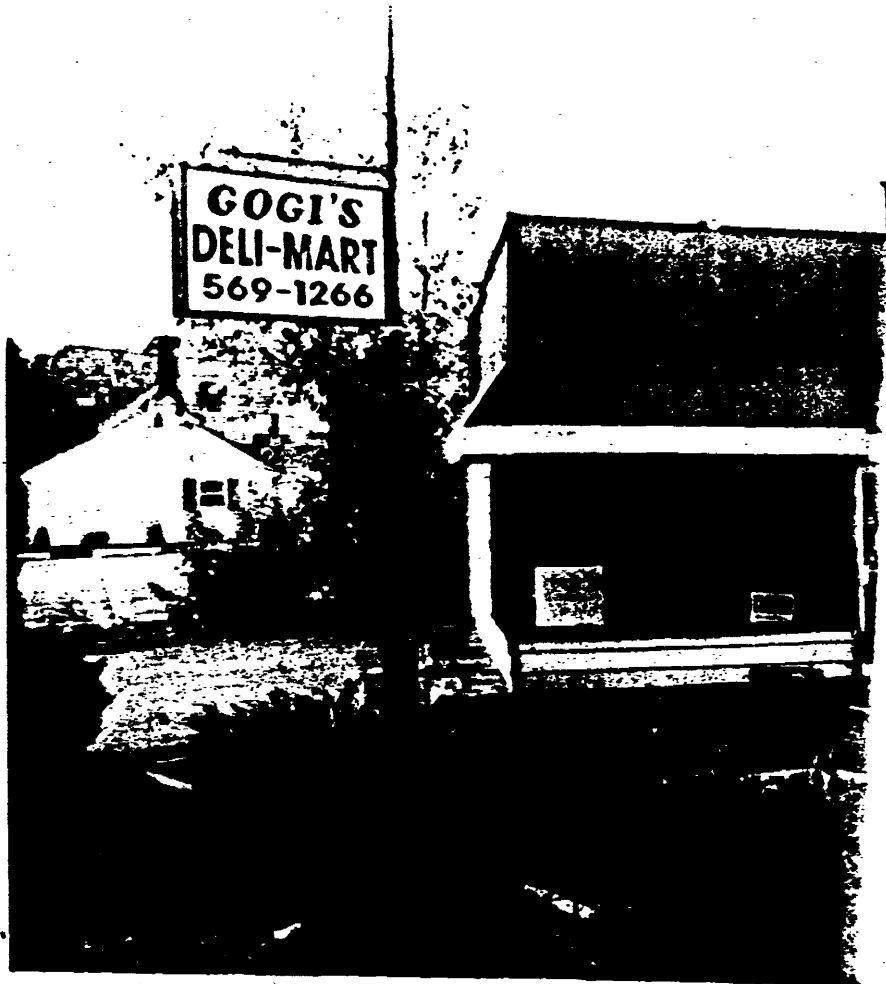
TOGETHER with all of the right, title and interest of the party of the first part in and to so much of the public highway known as Windsor Highway between the centerline of said Highway and the easterly line of the premises hereinbefore described and subject to the rights of the public in and to said Highway.

SUBJECT also to utility grants of record, if any.

Being the same premises described in deed John Fiore to Frank Clarimboli dated September 1, 1955, recorded September 2, 1955, in Liber 1359 of Deeds at page 550 in the Orange County Clerk's Office. EXCEPTING therefrom all that certain parcel which was appropriated by the State of New York as described in map, Vails Gate-Newburgh City Line S.H. 9033, Map No. 18, Parcel No. 26, filed in the office of the County Clerk of Orange County on October 14, 1959 in Liber 1525 of Deeds at page 119.

BEING and intended to be the same premises conveyed by Frank Clarimboli to Alfred J. Clarimboli by deed dated May 16, 1968 and recorded in the Orange County Clerk's Office on May 17, 1968, in Liber 1794 of deeds at page 195.

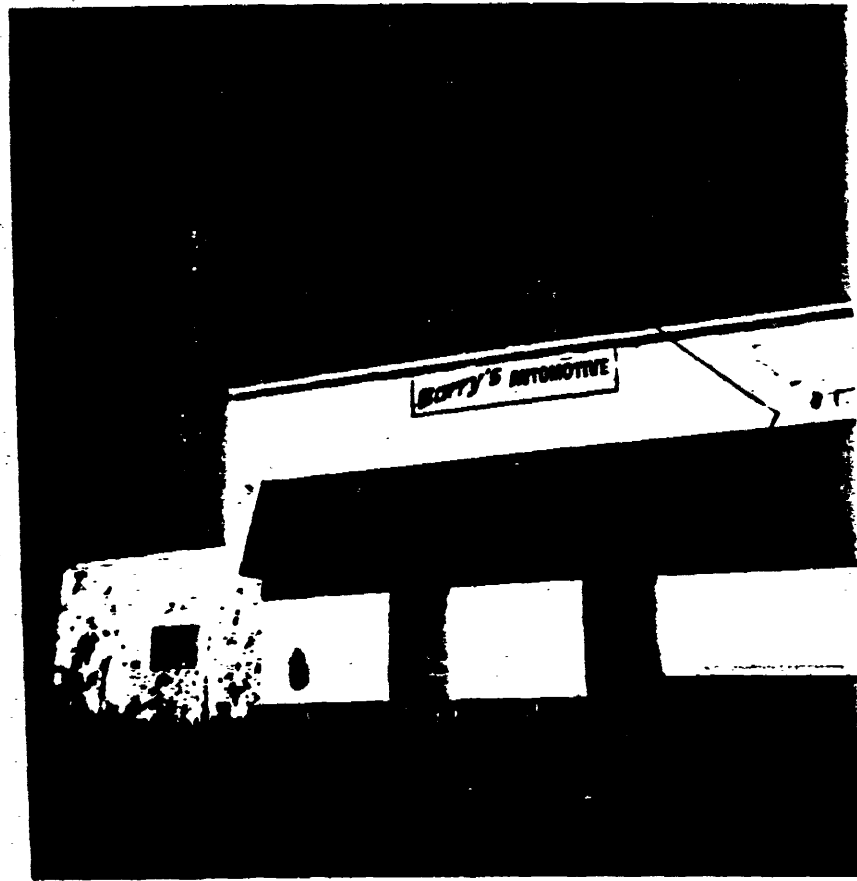
SIGN 1 - FREESTANDING SIGN (4.5'x5.5')
(EXISTING TEXT TO BE REVISED)



SIGN 2 - FREESTANDING SIGN (3'x4.5')
(1X)S(EXISTING TEXT) TO REMAIN



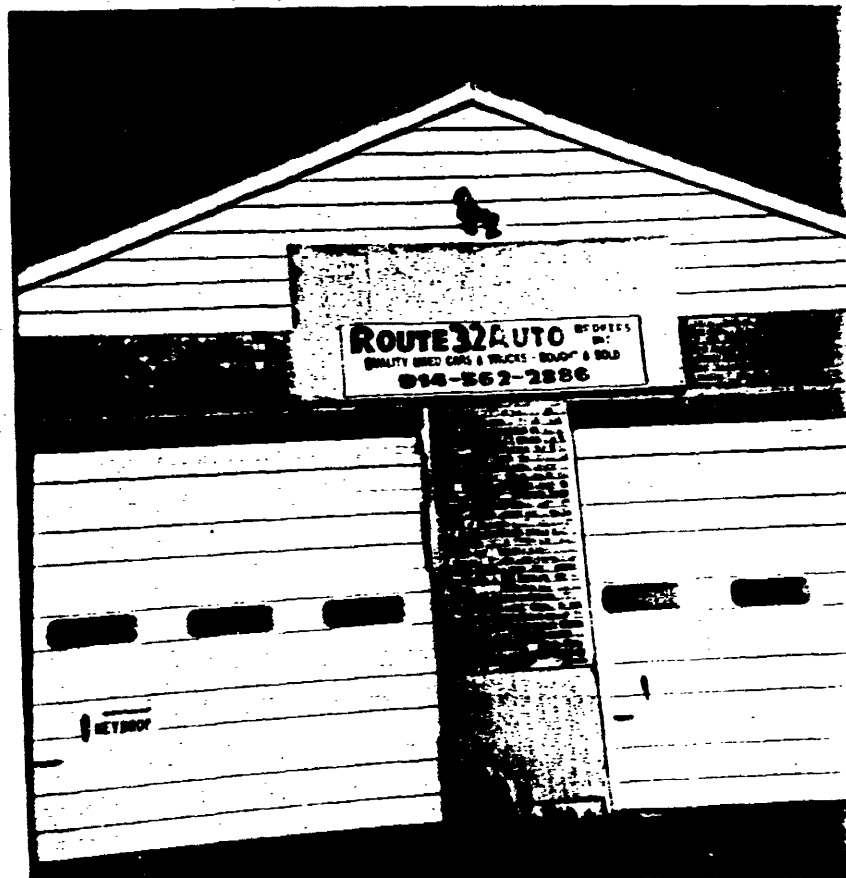
SIGN 3 - BUILDING 2 FACADE (1.5'x9.3')
(EXISTING TEXT TO REMAIN)



SIGN 4 - BUILDING 2 FACADE (3'x20')
(EXISTING TEXT TO REMAIN)



SIGN 5 - BUILDING 3 FACADE (2'x8')
(EXISTING TEXT TO REMAIN)





Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

September 29, 1999

Frank J. Valdina
4 Pleasant View Ave.
Newburgh, NY 12550

Tax Map Parcel #35-1-45
Owner: George Ross

Dear Mr. Valdina:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

L. Cook /cad

Leslie Cook
Sole Assessor

/cad
Attachments

26

Consolidated Rail Corp
6 Penn Center Plaza
Philadelphia, PA 19103

Don -Bar Development Corp.
54-150 Old Route 9W
New Windsor, NY 12553

Sac-Tac Inn Inc.
P.O. Box 4139
New Windsor, NY 12553

Dr. Mohammad & Sahar Najmus Khan
16 Green Bower Lane
New City, NY 10956

Eileen Fox
40 Willow Parkway
New Windsor, NY 12553

Sabatino and Jennie Martinisi
273 Windsor Highway
New Windsor, NY 12553

Petro Metals, Inc.
P.O. Box 928
Vails Gate, NY 12584

Santo & Edvige Emmanuele
42 Willow Parkway
New Windsor, NY 12553

Richard Harris
275 Windsor Highway
New Windsor, NY 12553

George Chaleff
Allison Tracy
266 Windsor Highway
New Windsor, NY 12553

Carl & Mary Bargisen
44 Willow Parkway
New Windsor, NY 12553

Garrison and Bertha Karpoff
8 Willow Lane
New Windsor, NY 12553

Ronald Lander
Phylis Silver
12 Cimorelli Drive
New Windsor, NY 12553

Michael Reis
48 Willow Parkway
New Windsor, NY 12553

Christopher and Laurie Orr
10 Willow Lane
New Windsor, NY 12553

United National Mortgage LLC
280 Windsor Highway
New Windsor, NY 12553

Harold & Marilyn McMahon
9 Willow Lane
New Windsor, NY 12553

Herman and Sally Ingram
12 Willow Lane
New Windsor, NY 12553

Stephen and Faith Kuprych
279 Windsor Highway
New Windsor, NY 12553

Robert Toohey
7 Willow Lane
New Windsor, NY 12553

Scott & Lisa Rollo
287 Windsor Highway
New Windsor, NY 12553

Agnes Cavalari
89 Bethlehem Road
New Windsor, NY 12553

Jeffrey & Jasmine Perez
3 Willow Lane
New Windsor, NY 12553

Joseph Kaufman Properties of New Windsor
5 Quickway Road, Unit 201
Monroe, NY 10950

John & Antonietta Guerriero
5 Willow Lane
New Windsor, NY 12553

Donna Gamma
4 Scenic Drive
Newburgh, NY 12550

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 99-37

Request of George Ross/Route 32 Auto Brokers

for a VARIANCE of the Zoning Local Law to Permit:

Rental sales, financing and leasing of used automobiles on a non-
conforming lot, w/ insufficient lot area and maximum building height
and more than the allowable signage;
being a VARIANCE of Section 48-12 -Table of Use/Bulk Regs.-Cols. C & I
and Section 48-18 of the Supplemental Sign Regulations;
for property situated as follows:

West side of NYS Route 32 approximately 200' south of Willow Lane.

known and designated as tax map Section 35, Blk. 1, Lot 45.

SAID HEARING will take place on the 8th day of November, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

JAMES NUGENT
Chairman

Date 9/25/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550.....

DATE			CLAIMED		ALLOWED	
9/13/99		Zoning Board Mtg	75	00		
		Misc - 3				
		Ross - 5 22.50				
		TGS Assoc. - 6				
		Johnson - 5				
		Anderson - 3				
		Greest Realty - 3				
		Pospisil - 3				
		Rinaldi - 3				
		31	139	50		
			214	50		

PRELIMINARY MEETINGS:

ROSS, GEORGE

MR. NUGENT: Referred by Planning Board for 15,718 square feet lot area and 9.1 ft. maximum building height variance for used car sales and leasing at location, NYS Route 32 (adjacent to Lander property) in C/PI zone.

Mr. Craig Marti of Valdina-Marti Engineering & Surveying appeared before the board for this proposal.

MR. NUGENT: Go ahead.

MR. MARTI: Craig Marti with the firm of Valdina-Marti Engineering representing Mr. Ross with this action. Mr. Ross is here, should the board have any questions, he's in better position to answer than I am. The project which we'll be submitting is the conversion of a vacant building located on Mr. Ross' property, the property itself is located on the west side of Route 32 approximately 200 feet south of the intersection with Willow Lane. The existing lot lies primarily within a C Zone with the back portion of it being cut off by the zone district boundary PI zone and C zone, primarily the zoning was set up as 200 feet off the roadway, majority of the lot falls in the C zone, in which the proposed use is permitted. The existing conditions consist of a single story vacant building at this point in time, the last use of the building was a deli, which is currently gone out of business and the building is currently vacant. The second building, which is currently an auto prepare shop proposed for that to remain and I believe it's Gene's Automotive?

MR. ROSS: Barry's Automotive.

MR. MARTI: Will remain as tenant in that building. The third building is currently occupied by Route 32 Auto Brokers, which runs a wholesale used auto business from the back building, the fourth building on the property is a small residential wood frame structure, which is occupied by an elderly tenant couple who Mr. Ross has basically decided to remain as tenants until

they so decide to move out or can no longer live there.

MR. ROSS: They have been there 25 years.

MR. MARTI: The proposal which we'll be coming to you with is the application, is the conversion of the vacant building to be utilized as an expansion of the existing wholesale business to incorporate retail sales, leasing and financing of used autos from the front building. The variance which we would require to do that is an area variance because of the, although it's a permitted use in the C zone, the minimum lot size for that use is 80,000 square feet, the existing lot size is 64,280 plus or minus square feet, so we need an area variance to do that. The other variances which the planning board consultants have pointed out were setback limits, front yard and side yard and as well as the building height and the largest building from ground measurement would be the frame residence. Those are existing conditions which are non-conforming. It would be my understanding that those wouldn't necessarily need a variance per se, however, if it's the board's wish, we'd add it to the list and request everything that we need at once, so that we can modify the use accordingly and expand the auto business to incorporate the retail sales.

MR. NUGENT: Where do you come up with the 9 foot building height?

MR. MARTI: That was calculated by the consulting engineer from bulk table which I haven't seen. What he did is he calculated the maximum height per allowed in the zone looked at the maximum building height which I had shown as being in existence, the difference between the allowable height and the existing height.

MR. NUGENT: Which building does it pertain to?

MR. MARTI: It pertains to building number one, the hip roof portion that goes up higher, so it would be the building in the front.

MR. NUGENT: You're not actually doing anything?

MR. MARTI: We're not changing the building structure, it's what's there now.

MR. BABCOCK: Changing the use of the building, so we feel that they should comply with the table.

MR. NUGENT: But they are not making any structural changes to make it higher?

MR. BABCOCK: No.

MR. MARTI: We're not changing the building, just changing the use of the building.

MR. NUGENT: Basically, this building that we're talking about is just going to be an office structure?

MR. MARTI: Yeah, it would be an office, auto sales office type of structure.

MR. REIS: Michael, parking, adequate parking?

MR. BABCOCK: Yes.

MR. REIS: That's not an issue?

MR. BABCOCK: No.

MR. MARTI: We have made slight revisions to the parking, at the request of the planning board, Mark Edsall made some minor comments with regards to the orientation of some parking spaces, the plan which we'll be submitting to the zoning board and back to the planning board will have those changes incorporated and those changes are shown on the display that I have here tonight.

MR. TORLEY: No difference in the road cut?

MR. MARTI: No, we'll use the existing road cut. The only difference, actually, the only changes which we'll have to make are straightening the edge of pavement and some parking lot surface improvements and then some restriping and orientation of the actual parking spaces to clearly delineate the types of spaces as well as the

location of the spaces.

MR. TORLEY: So, you're not increasing the paved area by changing the water runoff?

MR. MARTI: The only increase is a matter of a few feet to straighten out where it may go. We're not in any way changing the patterns of the runoff or the amounts that we're changing, it's such a insignificant amount, it would be well within the error of the calculations.

MR. REIS: The existing egress and exit will remain the same?

MR. MARTI: Yes, that will remain at this location here, internal traffic pattern will be modified slightly in order to accommodate the handicapped parking at an angled space between these two buildings as well as the display cases for the autos for sale in this area with customer parking located along the ends, the handicapped parking where it's convenient to both buildings here, some additional handicapped parking in this area where it's conducive to both buildings, again, and customer parking along the back portion of the parking lot here as well as some spaces in this area for customer parking, the area behind the wholesale building will be used primarily for storage.

MR. KANE: What about signage?

MR. MARTI: The only signage that we can foresee would be the handicapped parking signs and possibly do not enter type of sign, if this was to be secured for storage purposes.

MR. KANE: No coming back in the future for any type of road signs?

MR. MARTI: No, there's no need for a variance of any kind as far as the business advertising is concerned.

MR. TORLEY: So all the present business signs meet the existing code?

MR. ROSS: Yes.

MR. MARTI: I think so, I can check that prior to my submittal to this board as well.

MR. ROSS: They do, they were actually under.

MR. TORLEY: We changed the code from a couple years back so the deli sign's over--

MR. NUGENT: Any further questions by the board? I'll accept a motion.

MR. TORLEY: I move that we set up Mr. George Ross for his requested public hearing for the requested variances.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Craig, these are your applications.

MR. MARTI: I think we might have one, but I'll take it.

MR. KRIEGER: If you would take these, these are the criteria that sheet on which the zoning board must decide according to the state. So if you would address yourself to those criteria at the public hearing, that would be helpful.

MR. MARTI: Sure. Thank you very much.

POSSIBLE ZBA REFERRALS:

ROUTE 32 AUTO BROKERS/GEORGE ROSS SITE PLAN (99-19)

Mr. Craig Marti of Valdina & Marti appeared before the board for this proposal.

MR. PETRO: Proposed used cars sales and leasing, this is in a commercial zone, Mike, and used cars aren't permitted in that zone, is that correct, or is the area too small, I forget?

MR. MARTI: The area.

MR. PETRO: New cars is less area than used, right? Why don't you tell us exactly what you want to do, give us a quick overview.

MR. MARTI: My name is Craig Marti, I'm with the firm of Valdina and Marti. The existing site consists of four building, one of which is vacant, which is recently used as a deli. There's an existing automotive repair shop that's there at this location. Route 32 Auto Brokers are currently utilizing the building in the back for the wholesale recovery and preparation for vehicles for wholesale distribution and there's a single story wood frame residence which is currently occupied by an elderly couple as a residential structure. The proposal of Route 32 Auto Brokers is to expand the business to include retail sale of used cars with the business to include leasing and brokering, financing of the same from the front building. The site plan as it's been prepared shows the parking layout as we would intend it to be presented and upon obtaining the required variance, the modifications to the existing site plan that would be necessary in order to obtain the parking we would be looking for would be the removing of existing chain link fence, expanding parking area by 15, 20 spaces, we would utilize existing vegetative buffer and fencing which is around the perimeter of the property. The area of the parcel is 64,282 square feet. We need 80 for the used car sales, we need a minimum of 80,000 square feet, we're here to request the denial and referral to the ZBA.

July 14, 1999

6

MR. PETRO: The blue building that's where the Lee Myles, is that Lee Myles?

MR. MARTI: It's Gene's Automotive.

MR. PETRO: That particular building is not going to be part of this actual application?

MR. MARTI: No, it's part of, it's only, it won't be part of the business.

MR. PETRO: The house, just the orange and the green building?

MR. MARTI: Yes.

MR. PETRO: Gorge, the building in the back is going to be used, has been used by them for quite a while, this auto brokers place, the building?

MR. ROSS: It's been a used car dealership on and off since about 1992.

MR. PETRO: But do you want to expand into the front building so that is the main reason you're here, is that correct, Mike?

MR. BABCOCK: Yes.

MR. ROSS: I wanted, we could use the back building for the sale of used cars, but when we spoke with Mark, he said it can only be used for wholesale, even though it's used previously for used car sales, I want to expand to the front.

MR. PETRO: If he was going to use new cars in the front, he would not be here for a change of use, though.

MR. BABCOCK: Change of use.

MR. EDSALL: And the comment I made was based on the previous approval you granted, I didn't say you couldn't do it, I said you needed to get a separate

approval.

MR. LANDER: One story garage, two bays in the back, you're telling me that that was for used car sales?

MR. ROSS: Yes.

MR. LANDER: That wasn't for detailing, Mike, you're shaking your head no?

MR. BABCOCK: He got planning board approval for wholesale, no used car sales.

MR. PETRO: Was that 20th Century?

MR. BABCOCK: That's correct, that's how it started.

MR. ROSS: Before that.

MR. BABCOCK: Well before that, you can't go back, George, you can't just keep going back to what it used to be two years ago what you got an approval for is what you can use it for.

MR. ROSS: Within the last year, it was used by Orange after 20th Century for used car sales.

MR. EDSALL: How are the parking spaces directly in the middle of the plan, how is this going to work as far as traffic flow, how are the cars going to back out if there's three parking spaces directly behind?

MR. MARTI: The attempt here is for the area in the center to be for display purposes as opposed to the actual usable parking as required by the regulations based on the land use, the resubmittal obviously can delineate which parking spaces would be utilized to meet code requirements or customer parking and employee parking and we can delineate which ones would be display purposes.

MR. PETRO: These are, in addition to, you're not required by code to have these at all, you're going to put them there for display purposes.

MR. MARTI: Code requirement based on the proposed uses the garage wholesale and residential uses as presented the total number of parking spaces required under the code is 26 for all four buildings, we've shown approximately 90 since we did have 64 display parking display, combination of display and storage and back area.

MR. PETRO: I think you should show that on the next plan display space and/or parking space. Where is the handicapped spaces for the building?

MR. MARTI: The handicapped we would locate as close as possible to the relevant building spaces, the one next to the building in the front being handicapped space as well as some which are located in close proximity to the usable building, this end one would probably be for the Gene's Autobody.

MR. PETRO: And for the rear building you'll have to show those also.

MR. MARTI: Right, with the detail as well as the sign detail and striping detail.

MR. PETRO: How big are the spaces here?

MR. MARTI: 9 x 18, Town Code required spaces.

MR. BABCOCK: That would be 9 x 19.

MR. MARTI: You're right.

MR. PETRO: The spaces by the house down there by the yellow house, I don't know if you have 25 foot back out, is it 25 or 24?

MR. EDSALL: Scale is 20.

MR. PETRO: So, you're going to have to change something if the spaces are used for the site requirement, if it's just for display, we'll have to discuss that.

MR. EDSALL: I don't know if you want to have, are you

going to have less than what the Town Code requires for storage for movement of vehicles?

MR. LANDER: Say that again, Mark.

MR. EDSALL: Well, first of all you can't tell which ones are display and which are customer, so once we know that then my question to the board would be are you going to impose a different criteria for storage spaces as far as backout and--

MR. LANDER: No, they still have to be moved sooner or later, you're going to have 64, let me, 64 cars that are going to be for sale, is that, am I correct?

MR. MARTI: That would be the maximum.

MR. LANDER: How many spaces, 24, so you need, you're going to fit 90 cars on this lot, is there 90 spaces here now?

MR. MARTI: Yes.

MR. LANDER: Cause I don't think it's on here.

MR. MARTI: All I have shown proposed parking 26 and display 64, I can break that apart as to which ones are required for each building use as well.

MR. PETRO: Well, what you're hearing is that the board is going to like to see the 25 foot aisle width, so those 30 spaces which I think are not a good idea anyway cause they are blocking in those three, once you remove them, I think it's a minor impact on your plan and it would alleviate all the problems.

MR. LANDER: Stockade fence to be removed. Now, is that stockade fence that goes all the way around and comes down passed Schafee's property, am I correct?

MR. MARTI: Yes, the attempt for it to removed is only in the back area where it would be necessary to expand the parking area to accommodate the parking spaces in accordance with the size requirements and that obviously there would be the opportunity for discussion

pertaining to its replacement or moving as opposed to removal.

MR. LANDER: I think because there are a couple cottages in the back, the fence was put up for a reason the last time, so I think we just move that fence back.

MR. PETRO: Gentlemen, let's not get too deep into the planning board aspect of the plan, let's conceptually see if we have a problem or don't so we can send them to the zoning board. There's no sense if they are not successful going through all this, if they are successful at that time, we can do our due diligence. I'd like to see the three spaces taken off the plan before you go to zoning board and if you want to augment the fence problem in the back. Anything else outstanding? Entertain a motion to approve.

MR. STENT: Motion we grant approval to Route 32 Auto Brokers.

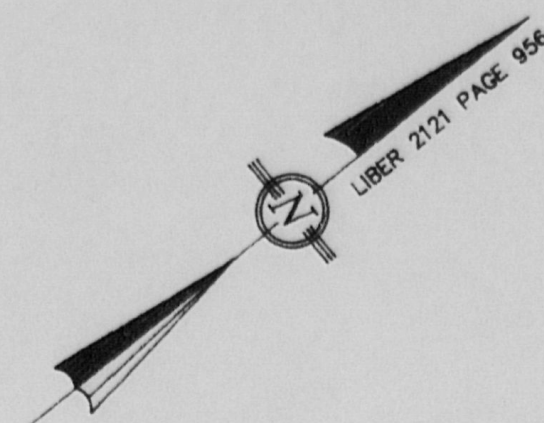
MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Route 32 Auto Brokers on Route 32. Is there any discussion? If not, roll call.

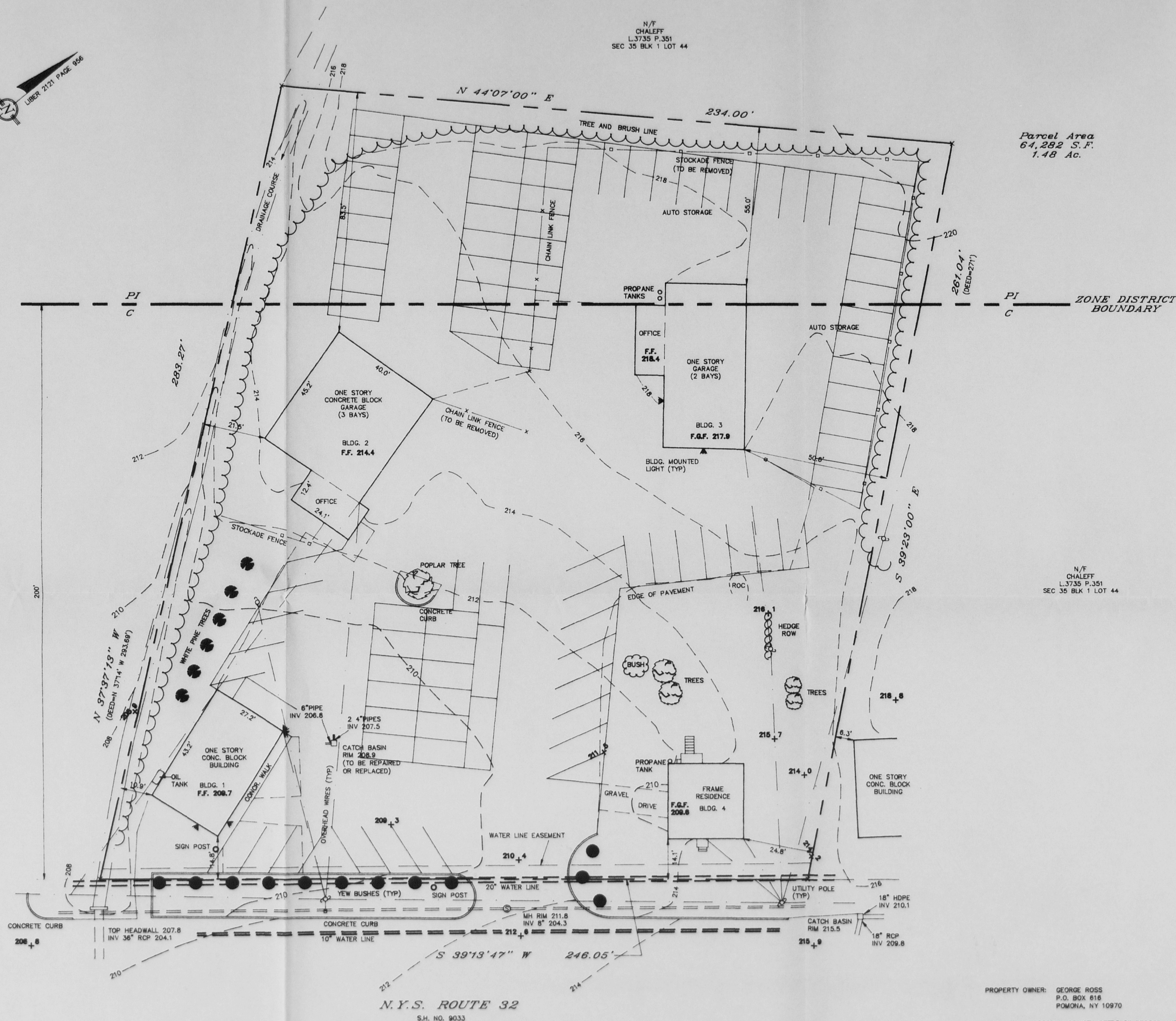
ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. Once you have received those and properly placed them on the map, we would once again review your plans. Thank you.



N/F
LANDER
L.1844 P.416
SEC 35 BLK 1 LOT 46



Parcel Area
64,282 S.F.
1.48 Ac.

N/F
CHALEFF
L.3735 P.351
SEC 35 BLK 1 LOT 44

PROPERTY OWNER: GEORGE ROSS
P.O. BOX 618
POMONA, NY 10970

SURVEYED IN ACCORDANCE WITH DEEDS OF RECORD AND PHYSICAL MONUMENTATION FOUND DURING FIELD SURVEY COMPLETED ON 18 MAY 1999, BY GREVAS & HILDRETH, P.C.

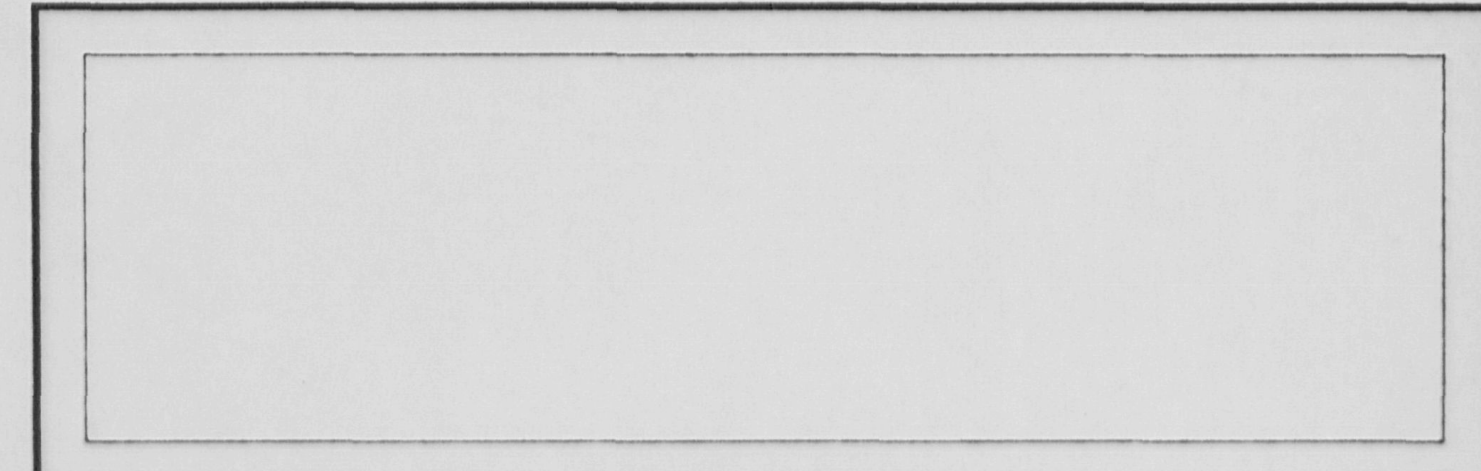
ELEVATION DATUM IS U.S.G.S. CONTOUR INTERVAL TWO FEET
TOPOGRAPHIC ELEVATION DATUM IS U.S.G.S.

WITH RESPECT TO CATCH BASIN IN PARKING LOT, IT IS IMPOSSIBLE TO TELL IF PIPES SHOWN ARE INLETS OR OUTLETS. I SUSPECT THEY ARE INLETS. NO OTHER PIPES VISIBLE.
NO CERTIFICATION IS MADE AS TO THE ACTUAL LOCATION OF UNDERGROUND UTILITIES NOT EVIDENCED BY SURFACE INDICATIONS.



LOCATION MAP
SCALE: 1" = 2000'±

PLANNING BOARD APPROVAL



Rte. 32 AUTO BROKERS

LANDS OF

GEORGE ROSS

SECT. 35 BLK. 1 LOT 45

TOWN OF NEW WINDSOR ~ ORANGE CO. ~ NEW YORK

VALDINA~MARTI
ENGINEERING & SURVEYING, PC
4 PLEASANT MEW AVE., NEWBURGH, N.Y.

SITE PLAN

SCALE: 1" = 20'
DATE: 6/15/99
DR. BY: CMM
SHEET: 1 OF 1



UNAUTHORIZED ADDITION OR ALTERATION OF THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.

ZONING TABLE ZONE C/P.I.

	MIN. REQUIREMENTS	EXISTING	PROPOSED
LOT AREA (SF)	80,000	64,282	64,282
LOT WIDTH (FT)	200	234	234
YARD (FT): FRONT/REAR/SIDE/BOTH SIDES	60/30/30/70	14.1/55.0/10.9/35.7	14.1/55.0/10.9/35.7
BUILDING HEIGHT	20	20	20
DEVELOPMENT COVERAGE	N/A	N/A	N/A
BUILDING COVERAGE	0.70	0.09	0.09
PARKING SPACES	26	N/A	PARKING: 26 DISPLAY: 64

LAND USE TABLE

BLDG.	EXISTING	PROPOSED
1	VACANT	USED AUTO: SALES, LEASE & FINANCING
2	AUTO REPAIR	AUTO REPAIR
3	AUTO WHOLESALE, RECOVERY, PREP.	AUTO WHOLESALE, RECOVERY, PREP.
4	RESIDENTIAL (EXISTING)	RESIDENTIAL (EXISTING)

RECEIVED JUL - 7 1999

99-19